

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

STEVE BIEGEL,

Plaintiff,

-against-

DENTSU HOLDINGS USA, INC., DENTSU AMERICA,  
INC., TOYO SHIGETA and TIMOTHY ANDREE,

Defendants.

07 Civ. 9653 (CM) (THK)

**DEFENDANTS' NOTICE OF  
MOTION TO DISMISS  
PLAINTIFF'S AMENDED  
COMPLAINT**

**PLEASE TAKE NOTICE** that, upon the Declaration of Douglas Fidoten, executed on November 26, 2007; and the Declaration of Howard J. Rubin, executed on November 26, 2007; and the accompanying Memorandum of Law, dated November 26, 2007, Defendants Dentsu Holdings USA, Inc., Dentsu America, Inc., Toyo Shigeta and Timothy Andree (collectively, "Defendants"), by and through their attorneys, Davis & Gilbert LLP and Landman Corsi Ballaine & Ford P.C., will move this Court on a date to be determined, before the Honorable Coleen McMahon, United States District Court Judge, for the Southern District of New York, at the United States District Court courthouse located at 500 Pearl Street, New York, New York for entry of an order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, granting Defendants' motion to dismiss the Amended Complaint for failure to state a claim.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Individual Rules of Practice of the Honorable Coleen McMahon, opposing papers, if any, shall be served upon

Defendants' counsel within two weeks after service of these moving papers and reply papers, if any, shall be served five business days later.

Dated: New York, New York  
November 26, 2007

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By: 

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